

## Patterson,Robert (HHSC)

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**From:** Elizabeth Graham <[REDACTED]>  
**Sent:** Wednesday, March 13, 2013 9:50 AM  
**To:** Stout,MK (HHSC); erika.stick@hhsc.state.tx.us  
**Subject:** intel please on A2A problem

Mary Katherine, and Erika,

Could you offer some insight as to why this issue keeps arising? The TPCN contract (relevant page attached) clearly states that all the materials in Q are private and not subject to FOI or Open Records. We have grave concerns again about Aragon testing the waters under a new commissioner with new(ish) staff.

We have trouble with believing that this step toward the AG opinion is not politically motivated. And since when does HHSC bow to political pressure from the pro-abortion press? Six months ago, Aragon and John McNamara, ED of TPCN, resolved this when Aragon reviewed the contract in John's presence and was admittedly reminded that the materials are protected by the contract.

There are two primary issues that TPCN is dealing with now. One is concerning a public information request. Casey Smith, who is the General Counsel for HHSC, told John McNamara, that he and Aragon are reconsidering a response to the public information request for TPCN materials. He is stating that they are going to have to go to the Attorney General for an opinion as to whether they will have to release the TPCN materials or whether they are protected as confidential and proprietary.

This is the exact same course of action from six months ago that was laid to rest so we are bewildered that we have to deal with this again. At that time and after many hours and a face to face meeting with Steve Aragon and John McNamara plus the helpful intervention of Kaite Olse, Steve was reminded that the TPCN/HHSC contract specifically exempts the Real Alternatives materials as a deliverable under the contract. Steve remarked at the time that he was on solid ground to state that HHSC had nothing responsive to the public information request and did not need to go to the AG for an opinion. He also stated that he would educate his staff on how the TPCN/HHSC contract was different and that going forward they would not need to go to the AG for an opinion. The public information request is by NARAL and abortion advocates who oppose the A2A program.

Yet on Monday, Casey said that HHSC would be issuing a letter to the AG on Tuesday. Casey stated that he could not explain why this was just brought to TPCN's attention, a few hours prior to the letter being sent.

Forgive me, but this seems like a witch-hunt and railroad job—and again, all our prolife troubles from HHSC lead back to Aragon.

What can you tell me?  
Thank you,  
Elizabeth Graham  
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There is another annoying issue of an ongoing audit by OIG of TPCN that also is now outside the bounds of standard procedure. We can talk about that later, but this deal on the AG and public info of TPCN/Real Alternatives materials must be squashed before Aragon goes further rogue.